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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No.: CR 05-00507 WHA
)
13 Plaintiff,) STIPULATION AND PROPOSED ORDER
) CONTINUING DATES FOR HEARING
14 v.) AND PROPOSED ORDER EXCLUDING
) TIME BETWEEN AUGUST 22, 2006
15) AND SEPTEMBER 26, 2006 FROM THE
16 BERNARD THOMAS, JR.,) SPEEDY TRIAL CALCULATION (18 U.S.C.
) §§ 3161(h)(1)(F) and 3161(h)(8)(B)(iv))
)
17 Defendant.)
) San Francisco Venue

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20 STIPULATION

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
22 counsel that:

23 1. The government has given the defense a proposed plea agreement. Counsel for
24 the defense, who is now living in San Diego, California, had intended to review the agreement
25 with her client on Monday, 8/21/06. Counsel for the defendant was unable to do so based on
26 visitation restrictions imposed by the Alameda County Sheriff's Department.

1 2. That before a plea agreement can be finalized, counsel for the defendant will need
2 additional time to review the draft with her client, before the draft copy can be given back to the
3 government for final approval.

4 3. That counsel for the defendant, since re-locating to San Diego in July 2006, has
5 limited ability to appear in the Northern District of California ("NDCA"), due to family
6 scheduling conflicts. That counsel for defendant will be able to next appear on this matter in the
7 NDCA on September 26, 2006.

8 4. That based on the defense counsel's unavailability until that date, and on the need
9 to ensure continuity of counsel, the defendant has agreed to a continuance of the hearing on his
10 discovery motions from August 22, 2006 to September 26, at 2:00 p.m. The government
11 contacted counsel for the defendant and received her verbal authorization to enter the electronic
12 signature below.

13 5. Accordingly, the motions hearing date currently scheduled for August 22, 2006, at
14 2:00 p.m., should be continued to **September 26, 2006, at 2:00 p.m.**

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16 DATED: 8/22/06

KEVIN V. RYAN
United States Attorney

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19 /S/

PHILIP J. KEARNEY
RICHARD J. CUTLER
20 Assistant United States Attorney

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23 DATED: 8/22/06

 /S/

ELENA CONDES
24 Counsel for defendant BERNARD THOMAS, JR.

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STIPULATION AND ORDER
CONTINUING DATES

ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY ORDERS THAT:

The motions hearing previously scheduled for August 22, 2006 is continued to **September 26, 2006, at 2:00 p.m.** and that the time between August 22, 2006 and September 26, 2006 is excluded from the speedy trial calculation pursuant to 18 U.S.C. §§ 3161(h)(1)(I) and 3161(h)(8)(B)(iv)).

SO ORDERED.

DATED: August 22, 2006

